

failed to conform to the definition and standard of identity for egg noodles in that the article contained less than 5.5 percent by weight of the solids of egg or egg yolk.

PLEA: Nolo contendere by the corporation to 6 counts; by Vagnino to 1 count.

DISPOSITION: 3-30-62. Corporation—\$900 fine; Vagnino—\$200 fine.

28526. Egg noodles. (F.D.C. No. 48231. S. No. 18-206 V.)

QUANTITY: 113 cases, each containing 24 5-oz. bags, at Corpus Christi, Tex.

SHIPPED: Between 7-12-62 and 7-30-62, from Omaha, Nebr.

LIBELED: 10-15-62, S. Dist. Tex.

CHARGE: 402(a)(3)—contained insects and insect larvae while held for sale.

DISPOSITION: 11-23-62. Default—destruction.

28527. Spaghetti. (F.D.C. No. 47607. S. No. 61-709 T.)

QUANTITY: 63 cases, each containing 20 1-lb. pkgs., at Readville, Mass.

SHIPPED: Between 4-6-62 and 4-18-62, from Danielson, Conn., by V. La Rosa & Sons, Inc.

LABEL IN PART: (Pkg.) "La Rosa Grade A Enriched Macaroni * * * Thin Spaghetti (Spaghetтини) No. 9 Italian Style * * * V. La Rosa & Sons, Inc. Brooklyn, N.Y."

LIBELED: 5-21-62, Dist. Mass.

CHARGE: 402(a)(3)—contained insect fragments; and 402(a)(4)—prepared and packed under insanitary conditions.

DISPOSITION: 10-1-62. Default—delivered to a public institution for use as animal feed.

MISCELLANEOUS CEREALS AND CEREAL PRODUCTS*

28528. Wheat. (Inj. 439.)

COMPLAINT FOR INJUNCTION FILED: 6-29-62, Dist. Idaho, against Colorado Milling & Elevator Co., American Falls, Idaho, and J. Lawson Cook, executive vice president.

CHARGE: The complaint alleged that the defendant, Colorado Milling & Elevator Co., operated, within the State of Idaho, a number of grain elevators for the storage of wheat and that defendant Cook was charged with overall management and control of the firm's elevators. It alleged further that from time to time inspection of some Idaho elevators by Food and Drug inspectors had revealed the existence of insanitary conditions by reason of insect and rodent infestation which could and did contaminate the wheat; that defendants had caused the wheat to be introduced and delivered for introduction into interstate commerce in violation of the Act since the wheat was adulterated within the meaning of 402(a)(3), in that it consisted in part of filthy substances such as rodent excreta pellets and insects; and 402(a)(4), in that it was held under insanitary conditions whereby it may have become contaminated with filth; and that interstate shipments of the wheat had been seized and condemned under the Act.

DISPOSITION: On 6-29-62, the defendants having denied the allegations of the complaint but having consented to the entry of a decree, the court entered a decree of injunction which would remain in effect until 12-31-63, enjoining

*See also No. 28572.

the defendants from directly or indirectly causing to be introduced or delivered for introduction into interstate commerce in the State of Idaho any wheat for human consumption or any similar article of food which is adulterated within the meaning of 402(a) (3) in that it consists in part of any filthy substance, such as rodent excreta pellets or insects; or 402(a) (4), in that it has been held under insanitary conditions whereby it may have become contaminated with filth.

28529. Wheat. (F.D.C. No. 48008. S. Nos. 78-855 T, 79-002 T.)

QUANTITY: 94,440 lbs. at Minneapolis, Minn.

SHIPPED: 8-2-62, from Kranzburg, S. Dak., by Lester Hansen Elevator Co.

LIBELED: 8-28-62, Dist. Minn.

CHARGE: 402(a) (2) (B)—the article was a raw agricultural commodity and, when shipped, contained a pesticide chemical, namely, a mercurial compound, which is unsafe within the meaning of 408(a) since no tolerance or exemption from the requirement of a tolerance for such pesticide chemical on wheat has been prescribed by regulations.

DISPOSITION: 9-5-62. Consent—claimed by Lester Hansen Elevator Co. and reconditioned for use as seed; 18,895 lbs. destroyed.

28530. Wheat. (F.D.C. No. 48010. S. No. 79-562 T.)

QUANTITY: 50,770 lbs. at Minneapolis, Minn.

SHIPPED: 8-7-62, from Summit, S. Dak., by Summit Cooperative Grain Association.

LIBELED: 8-28-62, Dist. Minn.

CHARGE: 402(a) (3)—contained rodent excreta pellets when shipped.

DISPOSITION: 9-7-62. Consent—claimed by Summit Cooperative Association, and denatured.

28531. Wheat. (F.D.C. No. 47473. S. No. 70-682 T.)

QUANTITY: 84,000 lbs., at Minneapolis, Minn.

SHIPPED: 4-9-62, from Artas, S. Dak., by Frank H. Higgins Co.

LIBELED: 5-1-62, Dist. Minn.

CHARGE: 402(a) (3)—contained rodent excreta pellets when shipped.

DISPOSITION: On 5-4-62, Frank H. Higgins Co., claimant, filed an answer alleging that when the article was shipped from Artas, S. Dak., it was not adulterated, but stating that it did not contest the allegations of the libel and consented to a decree of condemnation. On 5-4-62, a consent decree was entered, and the article was reconditioned and segregated; 29,310 lbs. were destroyed.

28532. Wheat. (F.D.C. No. 48037. S. No. 79-090 T.)

QUANTITY: 105,480 lbs. at Minneapolis, Minn.

SHIPPED: 9-6-62, from Strasburg, N. Dak., by Farmer Elevator Co.

LIBELED: 9-25-62, Dist. Minn.

CHARGE: 402(a) (3)—contained rodent excreta pellets when shipped.

DISPOSITION: 10-2-62. Consent—claimed by Farmer Elevator Co., and denatured.

28533. Wheat. (F.D.C. No. 47813. S. No. 73-428 T.)

QUANTITY: 120,000 lbs., at Buffalo, N.Y.